

1300-458  
DR-00-14

Nixon &amp; Vanderhye P.C. (12/95)

**RULE 63 (37 C.F.R. 1.63)**  
**DECLARATION AND POWER OF ATTORNEY**  
**FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Media Identification for Magnetic Tape Drive

the specification of which (check applicable box(es)):

- ☒ is attached hereto  
☐ was filed on \_\_\_\_\_ as U.S. Application Serial No. to be assigned (Atty Dkt. No. 1300-458)  
☐ was filed as PCT International application No. \_\_\_\_\_ on \_\_\_\_\_  
and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

| Priority Foreign Application(s): | Country | Day/Month/Year Filed |
|----------------------------------|---------|----------------------|
| Application Number               |         |                      |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

| Application Number | Date/Month/Year Filed |
|--------------------|-----------------------|
| _____              | _____                 |

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

| Prior U.S./PCT Application(s):       | Day/Month/Year Filed | Status: patented<br>pending, abandoned<br>pending |
|--------------------------------------|----------------------|---|
| Application Serial No.<br>09/263,833 | 8 March 1999         |   |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1. Inventor's Signature: [Signature] Date: 1/17/02  
Inventor: Leif SKAAR United States  
(first) (last) (citizenship)  
Residence: (city) Denver (state/country) Colorado  
Post Office Address: 935 Saint Paul Street, Denver, Colorado  
(Zip Code) 80206

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.  
attach sheet with same information and signature and date for each.

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SKAAR

Atty. Ref.: 1300-458

Serial No. to be assigned

Group Art Unit:

Filed: concurrently herewith

Examiner:

For: MEDIA IDENTIFICATION FOR MAGNETIC TAPE DRIVE

\* \* \* \* \*

Honorable Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

## POWER OF ATTORNEY

EXABYTE CORPORATION, assignee of the above-identified patent application, hereby appoints the members of the firm of NIXON & VANDERHYE, P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively our attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shca, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta,

20050910 1640500T

**SKAAR**

Serial No. to be assigned

Atty Dkt: 1300-458

Art Unit: unknown

35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

Please direct all correspondence regarding this application to the following:

H. Warren Burnam, Jr.  
**NIXON & VANDERHYE P.C.**  
1100 North Glebe Road, 8th Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4027.

I hereby certify that the Assignment document filed with the application or filed subsequent to the filing date of the application, has been reviewed and I hereby certify that, to the best of my knowledge and belief, title is with MEDIA IDENTIFICATION FOR MAGNETIC TAPE DRIVE.

**EXABYTE CORPORATION**

Dated: January 18, 2002

By: 

William L. Marriner  
President and Chief Executive Officer

20020118 09:46:50

1300-458

ASSIGNMENT

WHEREAS, Leif Skaar (hereinafter ASSIGNOR) of Denver, Colorado, has invented a certain improvement in **Media Identification for Magnetic Tape Drive** for which a so-entitled application for Letters Patent was filed in the United States Patent and Trademark Office as a patent application on March 8, 1999 and afforded serial no. 09/263,833 and for which a continuation-in-part application for Letters Patent is filed concurrently herewith in the United States Patent and Trademark Office;

WHEREAS, Exabyte Corporation (hereinafter ASSIGNEE), a corporation of the State of Colorado, having an office and place of business at 1685 38th Street, Boulder, Colorado 80301, is desirous of acquiring an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the ASSIGNOR by these presents hereby sells, assigns, and transfers unto the ASSIGNEE, its successors, assigns, and legal representatives, the aforesaid application(s) and the full and exclusive right to the invention and improvements therein in the United States and all foreign countries, as described in the aforesaid application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any Letters Patent or Patents claiming priority or resulting from the aforesaid application to ASSIGNEE, for its interest as ASSIGNEE, for the sole use and behoof of ASSIGNEE, its successors, assigns, and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention;

ASSIGNOR hereby agrees to assist in the preparation of and hereby assigns a like interest to said ASSIGNEE, its successors, assigns, and legal representatives, without further remuneration, any continuation, continuation-in-part, divisional, reissue, or foreign application claiming priority from the aforesaid application or otherwise growing out of or related to the invention; and to execute any papers by ASSIGNEE, its successors, assigns, and legal representatives necessary to ASSIGNEE'S full protection and title in and to the invention hereby transferred.

ASSIGNOR specifically agrees, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by ASSIGNEE for the filing and

granting of foreign applications and the perfecting of title thereto in ASSIGNEE.

AGREED and executed as noted below:

1/17/02  
Date

Leif Skaar  
Leif Skaar

COUNTY OF Boulder )

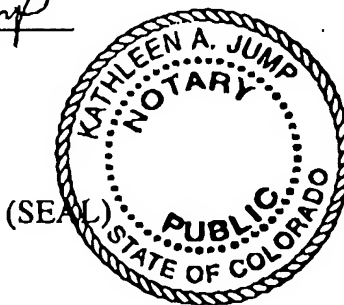
ss.

STATE OF Colorado )

On this 17<sup>th</sup> day of November 2002, **Leif Skaar**, appeared before me personally and acknowledged to me that he executed the foregoing Assignment as a free act and deed for the uses and purposes therein set forth.

My Commission Expires: 12/16/03

Kathleen A. Jump  
Notary Public



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